

## **REMARKS**

Claims 1 – 17 were pending in the present application. Claims 1 and 16 have been amended. Claims 1 – 17 remain pending in the present application.

Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoggarth et al. (U.S. Patent Number 6,535,976, hereinafter ‘Hoggarth’) in view of Chou et al (U.S. Patent Number 6,065,123, hereinafter ‘Chou’). Applicant respectfully traverses this rejection.

Hoggarth discloses a method of booting a client data processing system attached to a control data processing system, wherein the client system issues an initial program load request onto a network, and wherein in response to the initial program load request, bootstrap code is transferred to the client from the control system to cause the client to boot (Abstract). Specifically, Hoggarth discloses a ‘hybrid’ initial program load mechanism which combines the advantages of both conventional RPL (remote program load) and local program load techniques (Column 4, lines 53 – 58). A Normal and a Special mode of operation for the hybrid RPL technique are disclosed. In Normal mode, the control server sends the client a bootstrap program which initiates a local program load which causes the client to operate, in effect, like a normal (i.e., non-RPL) client system (Column 4, line 58 – Column 5, line 3). In Special Mode, the administrator changes the setup of the server system to specify a different RPL bootstrap program for the client, e.g., a minimal operating system. At the next power-on or reboot, the client issues a request for RPL as usual, and is provided the special bootstrap program by the server, which is then installed on the client hard file. The administrator then changes the setup of the server to specify a local program load for the client. At the next power-on or reboot, the client reverts to the normal operation and carries out a local program load from the ‘amended’ software (Column 5, lines 4-21). Hoggarth further teaches that “each client is ‘forced’ to issue a boot request from the server at each power-on or reboot” (Column 5, lines 27-28), and that “by means of the present invention, the client is

prevented from taking control and carrying out an unsupervised local boot” (Column 5, lines 37-39).

The Examiner has cited Column 6, lines 7-40 of Hoggarth as teaching “a storage manager accessible to the server device”. Column 6, lines 7-40 of Hoggarth describe steps involved in a normal case hybrid RPL operation. In contrast, a “storage manager” is disclosed on page 11, line 21, through page 12, line 3 of the present application as an application or server that backs up all of the client computer files, including the client machine configuration settings, as well as application and data files. Applicant can find no teaching or suggestion of a storage manager in Column 6, lines 7-40 of Hoggarth.

Further, the Examiner has cited Column 2, lines 56-61 of Hoggarth as teaching “a controlling device connected to the client device for resetting the client device”. Column 2, lines 56-61 of Hoggarth disclose that in a preferred method, the software specified by the control system is an upgrade to the BIOS code, and the method includes storing the upgraded BIOS in non-volatile storage. The BIOS “specifies the location from where the client boots at power-on or reboot” (Hoggarth, Column 5, lines 40-42). In contrast, in the description starting on page 10, line 17 of the present application, a controlling device is described as operable to “electrically (and if necessary, mechanically) initiate a reset as if the reset button on the client computer is triggered” as part of a “restore operation”. Applicant can find no teaching or suggestion of a controlling device capable of initiating a reset as part of a restore operation in the cited lines from Hoggarth.

In addition, the Examiner cites Chou (Column 23 line 52 – Col. 24, line 18) as teaching “a storage manager saving a state prior to a major failure”. Chou discloses a computer system with unattended on-demand availability including power saving features (Abstract). Applications periodically save their operational states to guard against power failures and crashes in the computer system disclosed by Chou. If a power failure or crash occurs, the system consults restart policies and, if appropriate, automatically re-starts applications to their most recently saved operational states once power is re-stored (Abstract). The lines cited by Examiner describe checkpoint services

available to applications, allowing the InstantON servicing agent to restart selected applications that had earlier registered with the InstantON servicing agent. Necessary state information for the application is periodically saved in checkpoint records. InstantON servicing agent begins running once the operating system is running (Column 10, lines 4-5). That is, InstantON requires the operating system to be functioning.

Applicant can find no teaching or suggestion in Chou of saving “machine configuration state,” as recited in Applicant’s amended claims 1 and 16. As described starting on page 8, line 18 of the present application, “all files of the client computer, including machine configuration states, as well as the usual application files and data of the client computer”, are backed up to the storage manager. The present application expressly distinguishes the saving of machine configuration states (page 8, lines 13-18, page 11, lines 18-21) from the operations of storage managers that only save application state as disclosed by Chou. The saved machine configuration state may be used to restore the client system, as well as applications, after a failure (page 9, lines 1-6, page 11, lines 7-10).

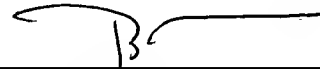
Accordingly, amended Claims 1 and 16 are believed to patentably distinguish over Hoggarth and Chou. Claims 2 – 15 and 17 are directed to the method of system Claims 1 and 16, and are thus believed to patentably distinguish over Hoggarth and Chous for at least the above reasons.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-00801/BNK.

Respectfully submitted,



---

B. Noël Kivlin  
Reg. No. 33,929  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800

Date: 10-20-04